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By Ann F. Griffith
Ann F. Griffith

0400
3/12/98
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MICHAEL LEBRUN ET AL :
SERIAL NO. 08/945,144 :
FILED: OCTOBER 14, 1997 :
FOR: MUTATED 5-ENOL PYRUVYLSHIKIMATE- :
3-PHOSPHATE SYNTHASE, GENE CODING :
FOR SAID PROTEIN AND TRANSFORMED :
PLANTS CONTAINING SAID GENE :

Assistant Commissioner for Patents
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Before action in this application, please amend the application as follows:

IN THE CLAIMS:

Please cancel claims 1-18.

Please add the following new claims:

19. DNA encoding a mutated 5-enol pyruvylshikimate-3-phosphate synthase (EPSPS), the mutated EPSPS having a threonine by isoleucine substitution at position 102 and a proline by serine substitution at position 106.
20. DNA according to claim 19, which is of plant origin.
21. DNA according to claim 20, which is of maize origin.
22. A mutated 5-enol pyruvylshikimate-3-phosphate synthase (EPSPS) protein, having a threonine by isoleucine substitution at position 102 and a proline by serine substitution at position